

**AMENDMENTS TO THE CLAIMS**

Please enter the following amendments without prejudice or disclaimer.

Please cancel claims 5, 6 and 7 without prejudice or disclaimer.

This listing of claims will replace all prior versions, and listings, of claims in the application:

**In the claims**

Claim 1 (Currently Amended): A method to identify an IRES element which method comprises

providing a bicistronic expression system which comprises, in operable linkage with a promoter, first nucleotide sequence encoding a first reporter protein and a cap sequence for mediation of translation of said first reporter protein and a second nucleotide sequence encoding a second reporter protein wherein a candidate IRES element is upstream of said second nucleotide sequence, wherein said expression system is made intracellular by protoplast fusion;

culturing said intracellular expression system under conditions wherein said first nucleotide sequence is transcribed and translated into protein; and

determining the presence or amount of production of said second reporter protein, wherein the presence or amount of said second reporter protein indicates that the candidate IRES element performs as an IRES element.

Claim 2 (Original): The method of claim 1, wherein said first and second reporter proteins are fluorescent proteins having distinguishable fluorescence.

Claim 3 (Original): The method of claim 2, wherein said determining is through FACS analysis.

Claim 4 (Original): The method of claim 1, wherein the candidate IRES element is a randomized nucleotide sequence of <100 nucleotides.

Claims 5-7 (Canceled)

Claim 8 (Original): A method to control viral infection in a cell which method comprises contacting said cell with an IRES element identified by the method of claim 1, under conditions wherein said IRES element inhibits production of viral proteins.

Claim 9 (Original): A method to identify a *trans*-acting translation factor which method comprises assessing the ability of a candidate factor to interact with an IRES element identified by the method of claim 1.

Claim 10 (Original): The method of claim 9, wherein said candidate is included in a cellular extract.

Claim 11 (Original): A method to regulate cellular metabolism which method comprises contacting a cell with an IRES element identified by the method of claim 1 under conditions wherein said IRES element is exposed to *trans*-acting factors necessary for said intracellular metabolism.

Claim 12 (New): A nucleic acid molecule comprising an IRES element, wherein said IRES element is selected from the group consisting of SEQ ID NO:1, SEQ ID NO:2, SEQ ID NO:3, SEQ ID NO:4, and SEQ ID NO:5.

Claim 13 (New): A nucleic acid molecule of claim 12, wherein said IRES element is SEQ ID NO:3 or SEQ ID NO:4.

Claim 14 (New): A method to control viral infection in a cell which method comprises contacting said cell with a nucleic acid molecule comprising an IRES element of claim 12, under conditions wherein said IRES element inhibits production of viral proteins.

Claim <sup>12</sup> ~~15~~ (New): A method to regulate cellular metabolism which method comprises contacting a cell with a nucleic acid molecule comprising an IRES element of claim <sup>9</sup> ~~12~~ under conditions wherein said IRES element is exposed to *trans*-acting factors necessary for said intracellular metabolism.

Claim <sup>13</sup> ~~16~~ (New): A method to identify a *trans*-acting translation factor which method comprises assessing the ability of a candidate factor to interact with an IRES element, wherein said IRES element is selected from the group consisting of SEQ ID NO:1, SEQ ID NO:2, SEQ ID NO:3, SEQ ID NO:4, and SEQ ID NO:5.

Claim <sup>14</sup> ~~17~~ (New): The method of claim <sup>13</sup> ~~16~~, wherein said candidate is included in a cellular extract.